

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

CLAUDIA JEAN MARIE TRINTERUD
A.K.A. CLAUDI J. M. FLORKE
28 Arbor Court
Cotati, CA 94931

Registered Nurse License No. 622806
Public Health Nurse Certificate No. 66877

Respondent

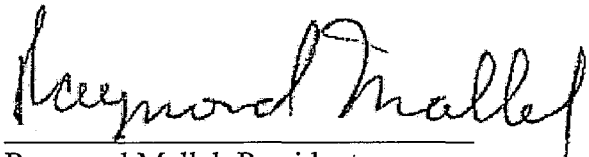
Case No. 2013-39

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **May 3, 2013.**

IT IS SO ORDERED **April 4, 2013.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 LESLIE E. BRAST
Deputy Attorney General
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Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2013-39

12 **CLAUDIA JEAN MARIE TRINTERUD**
13 **A.K.A. CLAUDI J. M. FLORKE**
14 **28 Arbor Court**
Cotati, CA 94931

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

15 **Registered Nurse License No. 622806**
Public Health Nurse License No. 66877

16 Respondent.

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19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 PARTIES

22 1. Louise R. Bailey, M.Ed., RN (Complainant), is the Executive Officer of the Board of
23 Registered Nursing (Board), Department of Consumer Affairs. She brought this action solely in
24 her official capacity and is represented in this matter by Kamala D. Harris, Attorney General of
25 the State of California, by Leslie E. Brast, Deputy Attorney General.

26 2. Respondent Claudia Jean Marie Trinterud (Respondent) is represented in this
27 proceeding by attorney Doug Shureen with McMillan & Shureen LLP, 50 Santa Rosa Avenue,
28 Suite 200, Santa Rosa, California 95404.

3. On or about July 29, 2003, the Board issued Registered Nurse License No. 622806 to Respondent. On or about September 10, 2003, the Board issued Public Health Nurse License No. 66877 to Respondent. Both licenses were in full force and effect at all times relevant to the charges brought in Accusation No. 2013-39 and both will expire on October 31, 2014, unless renewed.

JURISDICTION

4. Accusation No. 2013-39 was filed before the Board and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on July 13, 2012. Respondent timely filed her Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 2013-39 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2013-39. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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10. Respondent agrees that her Registered Nurse License is subject to discipline and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

11. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary

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Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 622806, and Public Health Nurse License No. 66877, issued to Respondent Claudia Jean Marie Trinterud, a.k.a. Claudi J. M. Florke, are revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

Severability Clause. Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

Criminal Court Orders: If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

2. **Comply with the Board's Probation Program.** Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no

1 more than 15 days of any address change and shall at all times maintain an active, current license
2 status with the Board, including during any period of suspension.

3 Upon successful completion of probation, Respondent's license shall be fully restored.

4 3. **Report in Person.** Respondent, during the period of probation, shall appear in
5 person at interviews/meetings as directed by the Board or its designated representatives.

6 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or
7 practice as a registered nurse outside of California shall not apply toward a reduction of this
8 probation time period. Respondent's probation is tolled, if and when she resides outside of
9 California. Respondent must provide written notice to the Board within 15 days of any change of
10 residency or practice outside the state, and within 30 days prior to re-establishing residency or
11 returning to practice in this state.

12 Respondent shall provide a list of all states and territories where she has ever been licensed
13 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide
14 information regarding the status of each license and any changes in such license status during the
15 term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing
16 license during the term of probation.

17 5. **Submit Written Reports.** Respondent, during the period of probation, shall submit
18 or cause to be submitted such written reports/declarations and verification of actions under
19 penalty of perjury, as required by the Board. These reports/declarations shall contain statements
20 relative to Respondent's compliance with all the conditions of the Board's Probation Program.
21 Respondent shall immediately execute all release of information forms as may be required by the
22 Board or its representatives.

23 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every
24 state and territory in which she has a registered nurse license.

25 6. **Function as a Registered Nurse.** Respondent, during the period of probation, shall
26 engage in the practice of registered nursing in California for a minimum of 24 hours per week for
27 6 consecutive months or as determined by the Board.

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1 For purposes of compliance with the section, "engage in the practice of registered nursing"
2 may include, when approved by the Board, volunteer work as a registered nurse, or work in any
3 non-direct patient care position that requires licensure as a registered nurse.

4 The Board may require that advanced practice nurses engage in advanced practice nursing
5 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

6 If Respondent has not complied with this condition during the probationary term, and
7 Respondent has presented sufficient documentation of her good faith efforts to comply with this
8 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
9 extension of Respondent's probation period up to one year without further hearing in order to
10 comply with this condition. During the one year extension, all original conditions of probation
11 shall apply.

12 7. **Employment Approval and Reporting Requirements.** Respondent shall obtain
13 prior approval from the Board before commencing or continuing any employment, paid or
14 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
15 performance evaluations and other employment related reports as a registered nurse upon request
16 of the Board.

17 Respondent shall provide a copy of this Decision to her employer and immediate
18 supervisors prior to commencement of any nursing or other health care related employment.

19 In addition to the above, Respondent shall notify the Board in writing within seventy-two
20 (72) hours after she obtains any nursing or other health care related employment. Respondent
21 shall notify the Board in writing within seventy-two (72) hours after she is terminated or
22 separated, regardless of cause, from any nursing, or other health care related employment with a
23 full explanation of the circumstances surrounding the termination or separation.

24 8. **Supervision.** Respondent shall obtain prior approval from the Board regarding
25 Respondent's level of supervision and/or collaboration before commencing or continuing any
26 employment as a registered nurse, or education and training that includes patient care.

27 Respondent shall practice only under the direct supervision of a registered nurse in good
28 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods

1 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are
2 approved.

3 Respondent's level of supervision and/or collaboration may include, but is not limited to the
4 following:

5 (a) Maximum - The individual providing supervision and/or collaboration is present in
6 the patient care area or in any other work setting at all times.

7 (b) Moderate - The individual providing supervision and/or collaboration is in the patient
8 care unit or in any other work setting at least half the hours Respondent works.

9 (c) Minimum - The individual providing supervision and/or collaboration has person-to-
10 person communication with Respondent at least twice during each shift worked.

11 (d) Home Health Care - If Respondent is approved to work in the home health care
12 setting, the individual providing supervision and/or collaboration shall have person-to-person
13 communication with Respondent as required by the Board each work day. Respondent shall
14 maintain telephone or other telecommunication contact with the individual providing supervision
15 and/or collaboration as required by the Board during each work day. The individual providing
16 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to
17 patients' homes visited by Respondent with or without Respondent present.

18 9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any
19 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,
20 or for an in-house nursing pool.

21 Respondent shall not work for a licensed home health agency as a visiting nurse unless the
22 registered nursing supervision and other protections for home visits have been approved by the
23 Board. Respondent shall not work in any other registered nursing occupation where home visits
24 are required.

25 Respondent shall not work in any health care setting as a supervisor of registered nurses.
26 The Board may additionally restrict Respondent from supervising licensed vocational nurses
27 and/or unlicensed assistive personnel on a case-by-case basis.

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1 Respondent shall not work as a faculty member in an approved school of nursing or as an
2 instructor in a Board approved continuing education program.

3 Respondent shall work only on a regularly assigned, identified and predetermined
4 worksite(s) and shall not work in a float capacity.

5 If Respondent is working or intends to work in excess of 40 hours per week, the Board may
6 request documentation to determine whether there should be restrictions on the hours of work.

7 **10. Complete a Nursing Course(s).** Respondent, at her own expense, shall enroll and
8 successfully complete a course(s) relevant to the practice of registered nursing no later than six
9 months prior to the end of her probationary term.

10 Respondent shall obtain prior approval from the Board before enrolling in the course(s).
11 Respondent shall submit to the Board the original transcripts or certificates of completion for the
12 above required course(s). The Board shall return the original documents to Respondent after
13 photocopying them for its records.

14 **11. Cost Recovery.** Respondent shall pay to the Board costs associated with its
15 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
16 amount of \$2,237.50. Respondent shall be permitted to pay these costs in a payment plan
17 approved by the Board, with payments to be completed no later than three months prior to the end
18 of the probation term.

19 If Respondent has not complied with this condition during the probationary term, and
20 Respondent has presented sufficient documentation of her good faith efforts to comply with this
21 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
22 extension of Respondent's probation period up to one year without further hearing in order to
23 comply with this condition. During the one year extension, all original conditions of probation
24 will apply.

25 **12. Violation of Probation.** If Respondent violates the conditions of her probation, the
26 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order
27 and impose the stayed discipline (revocation/suspension) of Respondent's license.

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1 If during the period of probation, an accusation or petition to revoke probation has been
2 filed against Respondent's license or the Attorney General's Office has been requested to prepare
3 an accusation or petition to revoke probation against Respondent's license, the probationary
4 period shall automatically be extended and shall not expire until the accusation or petition has
5 been acted upon by the Board.

6 13. **License Surrender.** During Respondent's term of probation, if she ceases practicing
7 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,
8 Respondent may surrender her license to the Board. The Board reserves the right to evaluate
9 Respondent's request and to exercise its discretion whether to grant the request, or to take any
10 other action deemed appropriate and reasonable under the circumstances, without further hearing.
11 Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be
12 subject to the conditions of probation.

13 Surrender of Respondent's license shall be considered a disciplinary action and shall
14 become a part of Respondent's license history with the Board. A registered nurse whose license
15 has been surrendered may petition the Board for reinstatement no sooner than the following
16 minimum periods from the effective date of the disciplinary decision:

17 (1) Two years for reinstatement of a license that was surrendered for any reason other
18 than a mental or physical illness; or

19 (2) One year for a license surrendered for a mental or physical illness.

20 14. **Physical Examination.** Within 45 days of the effective date of this Decision,
21 Respondent, at her expense, shall have a licensed physician, nurse practitioner, or physician
22 assistant, who is approved by the Board before the assessment is performed, submit an
23 assessment of the Respondent's physical condition and capability to perform the duties of a
24 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
25 medically determined, a recommended treatment program will be instituted and followed by the
26 Respondent with the physician, nurse practitioner, or physician assistant providing written reports
27 to the Board on forms provided by the Board.

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1 If Respondent is determined to be unable to practice safely as a registered nurse, the
2 licensed physician, nurse practitioner, or physician assistant making this determination shall
3 immediately notify the Board and Respondent by telephone, and the Board shall request that the
4 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall
5 immediately cease practice and shall not resume practice until notified by the Board. During this
6 period of suspension, Respondent shall not engage in any practice for which a license issued by
7 the Board is required until the Board has notified Respondent that a medical determination
8 permits Respondent to resume practice. This period of suspension will not apply to the reduction
9 of this probationary time period.

10 If Respondent fails to have the above assessment submitted to the Board within the 45-day
11 requirement, Respondent shall immediately cease practice and shall not resume practice until
12 notified by the Board. This period of suspension will not apply to the reduction of this
13 probationary time period. The Board may waive or postpone this suspension only if significant,
14 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
15 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
16 Only one such waiver or extension may be permitted.

17 **15. Participate in Treatment/Rehabilitation Program for Chemical Dependence.**

18 Respondent, at her expense, shall successfully complete during the probationary period or shall
19 have successfully completed prior to commencement of probation a Board-approved
20 treatment/rehabilitation program of at least six months duration. As required, reports shall be
21 submitted by the program on forms provided by the Board. If Respondent has not completed a
22 Board-approved treatment/rehabilitation program prior to commencement of probation,
23 Respondent, within 45 days from the effective date of the decision, shall be enrolled in a program.
24 If a program is not successfully completed within the first nine months of probation, the Board
25 shall consider Respondent in violation of probation.

26 Based on Board recommendation, each week Respondent shall be required to attend at least
27 one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous,
28 Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board.

1 If a nurse support group is not available, an additional 12-step meeting or equivalent shall be
2 added. Respondent shall submit dated and signed documentation confirming such attendance to
3 the Board during the entire period of probation. Respondent shall continue with the recovery plan
4 recommended by the treatment/rehabilitation program or a licensed mental health examiner
5 and/or other ongoing recovery groups.

6 **16. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent shall
7 completely abstain from the possession, injection or consumption by any route of all controlled
8 substances and all psychotropic (mood altering) drugs, including alcohol, except when the same
9 are ordered by a health care professional legally authorized to do so as part of documented
10 medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14)
11 days, by the prescribing health professional, a report identifying the medication, dosage, the date
12 the medication was prescribed, the Respondent's prognosis, the date the medication will no
13 longer be required, and the effect on the recovery plan, if appropriate.

14 Respondent shall identify for the Board a single physician, nurse practitioner or physician
15 assistant who shall be aware of Respondent's history of substance abuse and will coordinate and
16 monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-
17 altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report
18 to the Board on a quarterly basis Respondent's compliance with this condition. If any substances
19 considered addictive have been prescribed, the report shall identify a program for the time limited
20 use of any such substances.

21 The Board may require the single coordinating physician, nurse practitioner, or physician
22 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive
23 medicine.

24 **17. Submit to Tests and Samples.** Respondent, at her expense, shall participate in a
25 random, biological fluid testing or a drug screening program which the Board approves. The
26 length of time and frequency will be subject to approval by the Board. Respondent is responsible
27 for keeping the Board informed of Respondent's current telephone number at all times.
28 Respondent shall also ensure that messages may be left at the telephone number when she is not

1 available and ensure that reports are submitted directly by the testing agency to the Board, as
2 directed. Any confirmed positive finding shall be reported immediately to the Board by the
3 program and Respondent shall be considered in violation of probation.

4 In addition, Respondent, at any time during the period of probation, shall fully cooperate
5 with the Board or any of its representatives, and shall, when requested, submit to such tests and
6 samples as the Board or its representatives may require for the detection of alcohol, narcotics,
7 hypnotics, dangerous drugs, or other controlled substances.

8 If Respondent has a positive drug screen for any substance not legally authorized and not
9 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board
10 files a petition to revoke probation or an accusation, the Board may suspend Respondent from
11 practice pending the final decision on the petition to revoke probation or the accusation. This
12 period of suspension will not apply to the reduction of this probationary time period.

13 If Respondent fails to participate in a random, biological fluid testing or drug screening
14 program within the specified time frame, Respondent shall immediately cease practice and shall
15 not resume practice until notified by the Board. After taking into account documented evidence
16 of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may
17 suspend Respondent from practice pending the final decision on the petition to revoke probation
18 or the accusation. This period of suspension will not apply to the reduction of this probationary
19 time period.

20 18. **Mental Health Examination.** Respondent shall, within 45 days of the effective date
21 of this Decision, have a mental health examination including psychological testing as appropriate
22 to determine her capability to perform the duties of a registered nurse. The examination will be
23 performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by
24 the Board. The examining mental health practitioner will submit a written report of that
25 assessment and recommendations to the Board. All costs are the responsibility of Respondent.
26 Recommendations for treatment, therapy or counseling made as a result of the mental health
27 examination will be instituted and followed by Respondent.

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1 If Respondent is determined to be unable to practice safely as a registered nurse, the
2 licensed mental health care practitioner making this determination shall immediately notify the
3 Board and Respondent by telephone, and the Board shall request that the Attorney General's
4 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
5 practice and may not resume practice until notified by the Board. During this period of
6 suspension, Respondent shall not engage in any practice for which a license issued by the Board
7 is required, until the Board has notified Respondent that a mental health determination permits
8 Respondent to resume practice. This period of suspension will not apply to the reduction of this
9 probationary time period.

10 If Respondent fails to have the above assessment submitted to the Board within the 45-day
11 requirement, Respondent shall immediately cease practice and shall not resume practice until
12 notified by the Board. This period of suspension will not apply to the reduction of this
13 probationary time period. The Board may waive or postpone this suspension only if significant,
14 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
15 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
16 Only one such waiver or extension may be permitted.

17 19. **Therapy or Counseling Program.** Respondent, at her expense, shall participate in
18 an on-going counseling program until such time as the Board releases her from this requirement
19 and only upon the recommendation of the counselor. Written progress reports from the counselor
20 will be required at various intervals.

22 ACCEPTANCE

23 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
24 discussed it with my attorney, Doug Shureen. I understand the stipulation and the effect it will
25 have on my Registered Nurse License, and Public Health Nurse License. I enter into this

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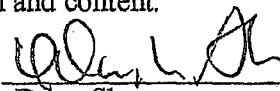
1 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
2 to be bound by the Decision and Order of the Board of Registered Nursing.

3
4 DATED: 1/21/13


CLAUDIA JEAN MARIE TRINTERUD
Respondent

6
7 I have read and fully discussed with my client, Respondent Claudia Jean Marie Trinterud,
8 the terms and conditions and other matters contained in the above Stipulated Settlement and
9 Disciplinary Order. I approve its form and content.

10 DATED: 1/21/2013


Doug Shureen
Attorney for Respondent

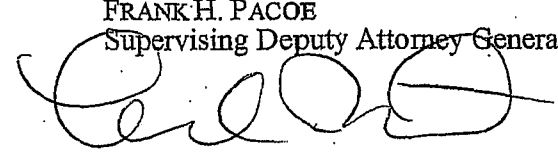
12
13 ENDORSEMENT

14 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
15 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
16 Affairs.

17
18 Dated: 1/24/2013

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
FRANK H. PACOE
Supervising Deputy Attorney General


LESLIE E. BRAST
Deputy Attorney General
Attorneys for Complainant

26 SF2012204576
27 Stipulation.rtf
28

Exhibit A

Accusation No. 2013-39

1 KAMALA D. HARRIS
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2 FRANK H. PACOE
Supervising Deputy Attorney General
3 LESLIE E. BRAST
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Attorneys for Complainant

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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. **2013-39**

11 **CLAUDIA JEAN MARIE TRINTERUD**
12 **AKA CLAUDI J. M. FLORKE**
13 **28 Arbor Court**
Cotati, CA 94931

A C C U S A T I O N

14 **Registered Nurse License No. 622806**
15 **Public Health Nurse Certificate No. 66877**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant), brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing (Board),
22 Department of Consumer Affairs.

23 2. On or about July 29, 2003, the Board issued Registered Nurse License Number
24 622806 to Claudia Jean Marie Trinterud, aka Claudi J. M. Florke (Respondent). The Registered
25 Nurse License was in full force and effect at all times relevant to the charges brought herein and
26 will expire on October 31, 2012, unless renewed.

27 3. On or about September 10, 2003, the Board issued Public Health Nurse Certificate
28 Number 66877 to Respondent. The Public Health Nurse Certificate was in full force and effect at

1 all times relevant to the charges brought herein and will expire on October 31, 2012, unless
2 renewed.

3 JURISDICTION

4 4. This Accusation is brought before the Board under the authority of the following
5 laws. All section references are to the Business and Professions Code (Code) unless otherwise
6 indicated.

7 5. Code section 2750 provides, in pertinent part, that the Board may discipline any
8 licensee, including a licensee holding a temporary or an inactive license, for any reason provided
9 in Article 3 (commencing with section 2750) of the Nursing Practice Act.

10 6. Code section 2761 states:

11 "The board may take disciplinary action against a certified or licensed nurse or deny an
12 application for a certificate or license for any of the following:

13 "(a) Unprofessional conduct . . .

14 . . .

15 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
16 functions, and duties of a registered nurse, in which event the record of the conviction shall be
17 conclusive evidence thereof."

18 7. Code section 2762 states:

19 "In addition to other acts constituting unprofessional conduct within the meaning of this
20 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
21 chapter to do any of the following:

22 . . .

23 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
24 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
25 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
26 himself or herself, any other person, or the public or to the extent that such use impairs his or her
27 ability to conduct with safety to the public the practice authorized by his or her license.

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“(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.”

8. Code section 490 provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

9. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Alcohol-Related Conviction)

10. Respondent is subject to disciplinary action under Code section 2762(c) for unprofessional conduct in that she was convicted of a crime involving the consumption of alcohol, as follows:

a. On or about March 19, 2012, in Sonoma County Superior Court Case No. SCR610837, Respondent was convicted of having violated Penal Code section 148(a)(1) (willfully resisting, delaying, or obstructing a police officer). The circumstances leading to Respondent's conviction are as follows:

b. On or about November 5, 2011, Cotati Police found Respondent at Cotati Market yelling at a firefighter. She had a strong odor of alcoholic beverage, watery bloodshot eyes, and slurred speech. Cotati Police determined Respondent was so intoxicated she could not care for her own safety and placed her under arrest for public intoxication (Penal Code section 647). During her arrest, Respondent kicked a police officer in the leg. After being placed in a police vehicle, Respondent hit and broke the plexi-glass window dividing the vehicle's front and back seats.

1 SECOND CAUSE FOR DISCIPLINE

2 (Dangerous Use of Alcohol)

3 11. Respondent is subject to disciplinary action under section Code section 2762(b) for
4 unprofessional conduct in that she consumed alcoholic beverages to an extent or in a manner that
5 was dangerous and/or injurious to herself and/or others. The circumstances are described in
6 paragraph 10, above.

7 THIRD CAUSE FOR DISCIPLINE

8 (Substantially Related Conviction)

9 12. Respondent is subject to disciplinary action under Code sections 2761(f) and 490 in
10 that she was convicted of a crime substantially related to the duties, functions, or qualifications of
11 a registered nurse and a public health nurse. The circumstances are described in paragraph 10,
12 above.

13 PRAYER

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
15 and that following the hearing, the Board of Registered Nursing issue a decision:

16 1. Revoking or suspending Registered Nurse License Number 622806, issued to Claudia
17 Jean Marie Trinterud, aka Claudi J. M. Florke (Respondent);

18 2. Revoking or suspending Public Health Nurse Certificate Number 66877, issued to
19 Respondent;

20 3. Ordering Respondent to pay the Board of Registered Nursing the reasonable costs of
21 the investigation and enforcement of this case pursuant to Business and Professions Code section
22 125.3;

23 4. Taking such other and further action as deemed necessary and proper.

24
25 DATED: July 13, 2012

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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